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## Secrets Barred— As Evidence In Va. Spy Trial

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RICHMOND, Dec. 5—A divided federal appeals court ruled today that accused spy Richard Craig Smith cannot introduce certain classified material at his trial in Alexandria because it would harm the national interest.

The full 4th U.S. Circuit Court of Appeals, by a 7-to-5 vote, reversed a position taken earlier by a three-judge panel and threw out a decision by U.S. District Judge Richard L. Williams that certain information Smith wanted to introduce was relevant and admissible.

While the information may have been relevant, the appeals court said, Williams should have accepted the government's contention there should be a "balancing test" between Smith's right to a defense and the government's right to protect sources of national intelligence.

Smith, of Bellevue, Wash., was indicted last year on five counts of espionage. A former Army Intelligence Security Command employe, he is accused of giving the identities of six U.S. double agents to a Soviet intelligence officer for \$11,000.

He wants to introduce classified information to support his defense that he believed he was working for the CIA when he sold the information, court papers showed.

Rejecting the idea that relevancy is the only issue, the court said: "The government has a substantial interest in protecting" intelligence sources and methods.

Dissenting judges rejected the view that relevant evidence already known to the defendant should be barred.